

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Bky No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

Randall L. Seaver, Trustee,

Adv. No. 09-5045

Plaintiff,

vs.

Dennis E. Hecker, Midwest Motors, LLC,
LKMCD Properties, LLC, Chrysler Financial Services
Americas LLC, Toyota Motor Credit Corporation,
Inver Grove Motors LLC d/b/a Denny Hecker's
Inver Grove Toyota, Jacob Holdings of Highway 110 LLC,
And Jacob Holdings of Akrom Avenue LLC,

Defendants.

NOTICE OF SUBPOENA DUCES TECUM

TO: Plaintiff and its attorney, Matthew Burton, Leonard, O'Brien, Spencer, Gail & Sayre LTD, 100 S 5th St, Ste 2500, Minneapolis, MN 55402.

PLEASE TAKE NOTICE that Defendant Midwest Motors, LLC, will issue a subpoena for production of documents without deposition to Briggs and Morgan, P.A., to produce the documents requested in Exhibit A attached to this notice to Mackall, Crounse & Moore, PLC, ATTN: Andrew P. Moratzka, 901 Marquette Ave, Suite 1400, Minneapolis, MN 55402, on or about January 22, 2010 or as soon as possible.

Dated: January 22, 2010

MACKALL, CROUNSE & MOORE, PLC

/e/Andrew P. Moratzka

Andrew P. Moratzka (#322131)

1400 AT&T Tower

901 Marquette Ave

Minneapolis, MN 55402

(612) 305-1400

ATTORNEYS FOR DEFENDANT

MIDWEST MOTORS, LLC

1152378.1-APM

EXHIBIT A

TO THE SUBPOENA FOR PRODUCTION AND COPYING OF DOCUMENTS, ELECTRONIC DATA, BOOKS AND OTHER TANGIBLE THINGS IN THE POSSESSION, CUSTODY OR CONTROL OF *BRIGGS & MORGAN, P.A.*

Midwest Motors, LLC, believes that you are in the possession, custody and control of documents and other tangible things, including recordings, disks, tapes and other electronic data, from which evidence can be obtained, which is relevant to the civil action pursuant to which this Subpoena has been issued. *All document destruction or retention policies and practices and electronic file deletion or disk management practices, policies or protocols (including but not limited to reformatting or defragmenting practices) which could have the effect of altering or destroying information requested by this subpoena should be suspended until you are excused from this Subpoena.*

DEFINITIONS

As used herein, the following terms shall be defined as follows:

“Document” shall refer to any writing as defined in the Federal Rules of Evidence, Rule 1001, including, but not limited to, originals and non-identical duplicates, all drafts prepared in connection with such documents, whether or not used, and any other documents or tangible things as defined in Rule 7034 of the Federal Rules of Bankruptcy Procedure. The term “Document” also means all documents known, or available, upon a reasonable search, to you, your attorneys, accountants, agents, representatives, employees, subsidiary or affiliates, and includes, but is not limited to, the following materials:

- a. Any and all papers, documents, correspondence, letters, telegrams, wires, manuals, computer disks (including floppy diskettes, zip disks, CD-ROMs and hard drives), back-up tapes, data otherwise electronically stored (including archival and back-up copies of files containing data, as well as files or parts of files which may have been deleted by the user but which are nevertheless recoverable by any means);

- b. Other data, photographs, videos, surveys, drawings, films, schematics, other computer-generated information, handwritten or typewritten notes, charts, graphs, publications, diagrams, journals, calendars, diaries, logs, log books, messages, reports, e-mails, text messages, instant messages, worksheets, abstracts, audit reports, compilations, opinions, proposals, legal opinions, inter-office and intra-office memorandums and formal or informal writings or tangible preservations of information.

“Personal Services Agreement” shall mean that Personal Services Agreement between Twin Cities Automotive, LLC, and Dennis E. Hecker, executed by Peter Hasselquist and Dennis E. Hecker.

DOCUMENTS TO BE PRODUCED

1. All documents related to the creation of the Personal Services Agreement, including but not limited to all drafts of the Personal Services Agreement.
2. All documents related to the negotiation of the Personal Services Agreement, including but not limited to negotiations of paragraph 2 of the Personal Services Agreement, entitled “Term.”
3. All correspondence related to the Personal Services Agreement.
4. All research related to the Personal Services Agreement.
5. All documents related to the Personal Services Agreement not produced pursuant to paragraphs 1 through 4 above.

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Dennis E. Hecker, Midwest Motors, LLC,
LKMCD Properties, LLC, Chrysler Financial Services
Americas LLC, Toyota Motor Credit Corporation,
Inver Grove Motors LLC d/b/a Denny Hecker's
Inver Grove Toyota, Jacob Holdings of Highway 110 LLC,
And Jacob Holdings of Akrom Avenue LLC,

Defendants.

UNSWORN DECLARATION FOR PROOF OF SERVICE

Jinah E. Finnes, employed by Mackall, Crounse & Moore, attorney(s) licensed to practice law in this court, with office address of 1400 AT&T Tower, 901 Marquette Avenue, Minneapolis, MN 55402-2859, declares that on the date set forth below, caused the following documents:

Notice of Subpoena Duces Tecum

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

- Matthew R. Burton mburton@losgs.com, swood@losgs.com
- Stephen F Grinnell stephen.grinnell@gpmlaw.com
- Andrew Paul Moratzka apm@mcmlaw.com, jef@mcmlaw.com;ldj@mcmlaw.com
- Timothy J Peters tpeters@peterslawplc.com, peters.timothy.james@gmail.com

- William R. Skolnick wskolnick@skolnick-shiff.com, zpuchtel@skolnick-shiff.com;petricka@visi.com;rcargill@skolnick-shiff.com;dlarson@skolnick-shiff.com;sshiff@skolnick-shiff.com;abardwell@skolnick-shiff.com

I further certify that I caused a copy of the foregoing documents and the notice of electronic filing to be mailed by first class mail, postage paid, to the following non-ECF participants:

DENNIS E. HECKER
PO BOX 1017
CROSSLAKE, MN 56442

INVER GROVE MOTORS LLC
D/B/A DENNY HECKER'S INVER GROVE
TOYOTA
500 FORD ROAD
MINNEAPOLIS, MN 55426

JACOB HOLDINGS OF AKRON AVE LLC
500 FORD ROAD
MINNEAPOLIS, MN 55426

JACOB HOLDINGS OF HWY 110 LLC
500 FORD ROAD
MINNEAPOLIS, MN 55426

MIDWEST MOTORS, LLC
2873 HIGHWAY 61 NORTH
MAPLEWOOD, MN 55109

RANDALL L. SEAVER - TRUSTEE
12400 PORTLAND AVE S, STE 132
BURNSVILLE, MN 55337

TOYOTA FINANCIAL SAVINGS BANK
912 FT. DUQUESNE BLVD, STE T
PITTSBURGH, PA 15222

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: January 22, 2010

Signed: /e/ Jinah E. Finnes